

## FOSTER MALISH BLAIR &amp; COWAN, L.L.P.

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January 3, 2007

Via UPS Next Day Air

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Columbia, South Carolina 29211

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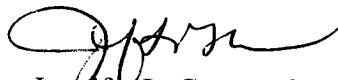
Re: Docket No. 2005-358-C; In Re: dPi Teleconnect, L.L.C. v. BellSouth Telecommunications, Inc.

Dear Sir or Madam:

Please find enclosed the original and a copy of **dPi Teleconnect, LLC's First Set of Requests for Information to BellSouth Telecommunications, Inc.** A copy has also been sent via e-mail. Please file and return a file-marked copy to this office; a self-addressed, stamped envelope is enclosed.

Thank you for your time and assistance. If you should have any questions, please do not hesitate to call.

Very truly yours,

  
Jennifer L. Gunter, CP  
Paralegal

Enclosures

cc: Via Electronic Mail and Via Facsimile

Patrick W. Turner, General Counsel - South Carolina  
BellSouth Telecommunications, Inc.  
1600 Williams Street, Suite 5200  
Columbia, South Carolina 29201Andrew Shore, Sr. Regul. Counsel  
BellSouth Telecommunications, Inc.  
675 West Peachtree Street, Suite 4300  
Atlanta, Georgia 30375

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

**dPi TELECONNECT, LLC,  
Complainant,**

**v.**

**BELLSOUTH  
TELECOMMUNICATIONS, INC.,  
Defendant**

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**DOCKET No. 2005-358-C**

**dPi TELECONNECT, LLC'S FIRST SET OF REQUESTS FOR INFORMATION  
TO BELLSOUTH TELECOMMUNICATIONS, INC.**

You are being served with dPi Teleconnect, LLC's First Set of Requests for Information (RFIs) It is requested that responses to the RFIs set forth in Exhibit A should be served on Foster Malish Blair & Cowan, L.L.P., 1403 West Sixth Street, Austin, Texas 78703.

Exhibit A is attached hereto and incorporated herein the same as if set forth at length.

**INSTRUCTIONS**

Sworn, written answers to these discovery requests questions should, to the extent possible, be answered in the spaces provided. If additional space is needed, please use additional sheets of paper.

In answering the following requests, furnish all information available to you, including all non-privileged information in the possession of your attorneys, or their investigators, and all persons acting on your behalf, and not merely such information within the personal knowledge of the person who signs these answers. If you cannot answer a request in full after exercising due diligence to secure the information, so state in your answer, and, to the extent possible, answer by stating whatever information or knowledge you have.

The requests which follow are to be considered as continuing, and you are requested to provide, by way of supplemental answers, such additional information as you or any other person acting on your behalf may later obtain which will supplement or modify your answers given to the questions below. You may have a duty to supplement when:

- a. You know the answers were incorrect when made; or

- b. You know that the answers though correct when made are no longer the true and the circumstances are such that to fail to amend or supplement your answers would be in substance a knowing concealment.

Further, should you fail to so amend or supplement your answers, this party will ask the presiding officer to exclude evidence which you or your attorney might wish to offer relating to such matter. Such supplemental responses are to be filed and served upon the undersigned attorney immediately upon receipt of such information and in no event less than thirty (30) days before the date of trial or hearing.

As used, the following terms shall have the meanings indicated below:

#### DEFINITIONS

- A. "IDENTIFY" or "IDENTITY" when used in reference to a natural person means his full name, present or last known address, his employer, and his present or last known job title or position. When used in reference to a corporation or legal entity other than a natural person, the term "identify" or "identity" means its name, and the address of its principal place of business. When used in reference to a document, "identify" means the name and date of the document and the identity of the person who prepared it and who signed it. When used for any other purpose, the common dictionary meaning of "identify" applies.
- B. "DOCUMENT" means both the plural and the singular, and each term includes, but is not limited to, contracts and agreements, correspondence, advertising materials, memoranda, reports, handwritten notes, surveys, analysis, leases, manuals, questionnaires, computer print-outs, tapes and records of any types, corporate records, minutes of meetings, studies, books, pamphlets, policy manuals, schedules, job descriptions, photographs, voice recordings, and every other device or media on which or through which information of any type is transmitted, recorded, or preserved in your possession, custody or control. The term "documents" also means an authentic copy where the original is not in your possession, custody, or control and every copy of a document where such copy is not an identical duplicate of the original.

"DOCUMENT" also includes any printed, typewritten, handwritten, mechanically or otherwise recorded matter of whatever character, including, but without limitation, letters, purchase orders, memoranda, telegrams, notes, catalogs, brochures, diaries, reports, calendars, interoffice communications, intraoffice communications, statements, investigative reports, announcements, depositions, answers to Interrogatories, pleadings, judgments, newspaper articles, data compilations, photographs, tape recordings, motion pictures and any carbon or photographic copies of any such material if you do not have custody or control of the original. As used, the term "documents" includes, but is not limited to, any note, correspondence, contracts or agreements, financial statements, computer printouts, balance sheets, income statements, real estate documents, records, notices, confirmations, appraisals, prospectuses, notations or memoranda of any sort of

communications, invoices, diaries, analysis, offers, worksheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes and amendments of any of the foregoing), graphic or oral records or representations of any kind, other written, printed, typed or other graphic recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film or record, computer disk, laser disk, compact disk, film, tape, videotape, computer card or magnetic media of any form which are in your possession, custody or control. If any document requested to be identified was in your possession or control or is no longer in existence, please state whether it is:

- (1) missing or lost;
- (2) destroyed;
- (3) transferred voluntarily or involuntarily to others, and if so, to whom, or
- (4) otherwise disposed of; and in each instance explain the circumstances surrounding an authorization of the disposition and the approximate date of the disposition and describe its contents.

- C. "YOU" and "YOUR" means: BellSouth and its divisions, departments, officers, directors, officers, agents, employees, predecessors-in-interest, representatives, assignees, assignors and affiliates; and its its subsidiaries and parent company(ies), and their divisions, departments, officers, directors, officers, agents, employees, predecessors-in-interest, representatives, assignees, assignors and affiliates.
- D. "INCIDENT" means that which is the subject of this action.
- E. "COMPLAINANT" means dPi Teleconnect, LLC.

#### NOTICE WITH REGARD TO OBJECTIONS

Please take notice that:

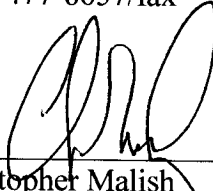
1. Discovery extends to documents or claims either in the your actual possession or constructive possession. Constructive possession exists so long as you have a superior right to compel the production of such information or claim from a third party, including an agent, attorney or representative, who has possession, custody or control of such information even though you do not have actual physical possession of such information or claim.
2. If you object to any request on the ground that the request is overly broad, burdensome or is not limited properly in time or scope, please state in your answer or objection the following:
  - a. The items or categories of items, if any, that you do not object to providing and to provide such items or information in the answers to these requests; and

- b. The items or categories of items which are in existence to which you do object to providing and stating the specific reasons why discovery of such items should not be allowed.

3. Claim of Privilege. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.

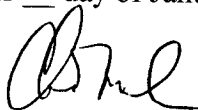
Respectfully submitted,

Foster, Malish, Blair & Cowan, L.L.P.  
1403 West Sixth Street  
Austin, Texas 78703  
(512) 476-8591  
(512) 477-8657/fax

By:   
Christopher Malish  
State Bar No. 00791164  
Attorneys for Complainant

**CERTIFICATE OF SERVICE**

I hereby certify that true copy of the foregoing document has been served on Defendant BellSouth through its below-listed attorneys on this 31 day of January, 2007 via facsimile.



\_\_\_\_\_  
Christopher Malish

**Attorneys for Defendant**

Patrick W. Turner, General Counsel - South Carolina  
BellSouth Telecommunications, Inc.  
1600 Williams Street, Suite 5200  
Columbia, South Carolina 29201  
Fax: (803) 254-1731

Andrew Shore, Senior Regulatory Counsel  
BellSouth Telecommunications, Inc.  
675 West Peachtree Street, Suite 4300  
Atlanta, Georgia 30375  
Fax: (404) 614-4054

FILED  
JAN 31 4 10 PM '07  
CLERK OF COURT  
SOUTH CAROLINA

## **EXHIBIT A**

### **dPi TELECONNECT, LLC'S FIRST SET OF RFIs**

Please provide the following information or materials:

- 1-1. Please identify each of the legal theories behind your claims or defenses in this matter.
- 1-2. Please identify in general the factual bases underlying each of your legal theories, claims, or defenses in this matter.
- 1-3. Please identify any and all amounts you are seeking from dPi Teleconnect, LLC, on a month to month basis, beginning the first month you claim you are owed money from dPi Teleconnect, LLC. Please explain how these figures are arrived at. (e.g., include amounts owed as recurring fees, non-recurring fees, late fees, etc.).
- 1-4. Please provide a copy of any document, exhibit, electronic file, or item that you intend to introduce into evidence at the hearing of this docket.
- 1-5. Please provide the name, address, and telephone number of persons having knowledge of relevant facts in this case, and a brief statement of each identified person's connection with the case.
- 1-6. Please provide a list of the name, address, and telephone number of any witness who is expected to be called to testify at the hearing of this matter.
- 1-7. For any testifying expert, please provide:
  - a. the expert's name, address, and telephone number;
  - b. the subject matter on which the expert will testify;
  - c. the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or

otherwise subject to the control of the responding party, documents reflecting such information;

d. if the expert is retained by, employed by, or otherwise subject to the control of the responding party:

1. All documents (including all letters and correspondence whatsoever between you [as that term is defined herein] and any person who may be called as an expert witness), tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and

2. the expert's current resume and bibliography.

1-8. For any consulting expert whose mental impressions or opinions have been reviewed by a testifying expert, please provide:

a. the expert's name, address, and telephone number;

b. the subject matter on which the testifying expert will testify;

c. the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;

d. if the expert is retained by, employed by, or otherwise subject to the control of the responding party:

1. All documents (including all letters and correspondence whatsoever between you [as that term is defined herein] and the expert), tangible

things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and

2. the expert's current resume and bibliography.

- 1-9. Please produce copies of all formal and informal reports and documents in your possession prepared by an officer or employee of any governmental agency which pertains, in any way, to this dispute.
- 1-10. A listing of each person, including name, address, and telephone number, acting in your behalf who investigated any part of the issues in dispute.
- 1-11. Please identify with particularity each of the promotions which BellSouth has offered its end users or potential new customers since January 1, 2002. Please describe and produce a copy of all the terms describing and governing eligibility for the promotion, including but not limited to, effective dates, and any tariff or other regulatory filings made by BellSouth.
- 1-12. Please identify with particularity each of the promotions under which dPi Teleconnect, LLC, sought any credit, which request was denied by BellSouth since January 1, 2002.
- 1-13. For each of the promotions for which dPi Teleconnect, LLC, applied for credit but was denied, please describe and produce a copy of all the terms describing and governing eligibility for the promotion, including but not limited to, effective dates, and any tariff or other regulatory filings made by BellSouth.

- 1-14. For each of the promotions for which dPi Teleconnect, LLC, applied for credit but was denied, please identify and explain each and every reason why dPi Teleconnect, LLC, was not eligible for the credit or why the credit was otherwise denied.
- 1-15. For each of the reasons identified in **RFI 1-15** as a reason why dPi Teleconnect, LLC, was not eligible for a particular credit, please provide as an example an actual copy of the underlying order/request and/or order establishing the underlying service that was not eligible for the promotion.
- 1-16. For each of categories of promotions for which dPi Teleconnect, LLC, applied for credit but was denied, please indicate the amount of credit requested; the amount of credit granted; and the amount of credit denied, from January 1, 2002, to the present.
- 1-17. For each of the promotions for which dPi Teleconnect, LLC, applied for credit but was denied, please identify each and every CLEC which also applied for a credit under that promotion and was not denied for any part of their claim.
- 1-18. Please produce copies of all correspondence and/or communications between BellSouth and dPi Teleconnect, LLC, relating to BellSouth's promotions.
- 1-19. Please produce copies of all BellSouth's internal documents relating to BellSouth's promotions.
- 1-20. Please produce copies of all BellSouth's internal documents (e.g., communications between employees; between employees and vendors or consultants) relating to BellSouth's decisions to grant or deny promotion credits to CLECs.
- 1-21. Please produce copies of all documents showing BellSouth's internal communications (including, but not limited to, communications between employees; between employees

and vendors or consultants) relating to BellSouth's decisions to grant or deny promotion credits to dPi Teleconnect, LLC.

- 1-22. Please produce copies of all BellSouth's internal training, billing dispute, and policy documents relating to BellSouth granting or denying promotion credits to CLECs, including, but not limited to, directions or training materials to account managers, billing department employees, employees involved in CLEC dispute resolution, etc.
- 1-23. Please identify any and all occurrences, on a month to month basis beginning January, 2002, of an end user ordering from BellSouth basic service plus any two of the three following features: the call return block (bearing in North Carolina the Universal Service Ordering Code ["USOC"] of "BCR"); the repeat dialing block ("BRD"); and the call tracing block, and "HBG" block. Please indicate what these customers were charged when implementing these services, including any and all recurring charges, non-recurring charges, and promotional charges.

It may be easier for you to summarize some of the information requested in these RFIs using a table of your own creation with headings along these lines:

Promotion name	Promotion terms/eligibility reqs.	Effective dates	Amt. of credit applied for	Amt. credit denied	Reason for denial